

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEMARK, INC.,

Plaintiff,

v.

MASABI LTD.,

Defendant.

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Case No. 2:16-CV-00543-JRG-RSP

ORDER

Before the Court is Defendant Masabi LTD's Motion to Dismiss for Failure to State a Claim (Dkt. No. 26). In light of the Amended Complaint (Dkt. No. 36) filed by Plaintiff on September 30, 2016, Masabi's motion is **DENIED AS MOOT**. *See Bosarge v. Mississippi Bureau of Narcotics*, 796 F.3d 435, 440 (5th Cir. 2015) ("An amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading." (quoting *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994))).

SIGNED this 25th day of April, 2017.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE